

61V9BRUT

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 DANIEL BRUNO,

4 Plaintiff,

5 v.

04 CV 3383 (THK)

6 METROPOLITAN TRANSPORTATION  
7 AUTHORITY,

8 Defendant.

Testimony of  
Dr. Kishore Ranade

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9 New York, N.Y.  
10 January 31, 2006  
10:14 a.m.

11 Before:

12 HON. THEODORE H. KATZ,

13 Magistrate Judge

14 APPEARANCES

15 PHILIP J. DINHOFER, LLC  
16 Attorney for Plaintiff

17 LANDMAN CORSI BALLAINE & FORD PC  
18 Attorney for Defendant  
19 BY: JAMES WOOSEY, III  
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Ranade - direct

1 Bruno on a periodic basis?

2 A. Yes.

3 Q. Can you tell me approximately how many times you've seen  
4 Dan Bruno?

5 A. I saw him back in December 9, '04. Then I saw him  
6 April 26, '05. Then I saw him November 29, '05. Then I last  
7 saw January 17 of '06.

8 Q. Throughout all of those visits, were there any changes in  
9 Dan Bruno's neurological presentation?

10 A. No.

11 Q. Did everything that you saw regarding the vertigo, the  
12 dizziness, the cognitive impairments that you mentioned or any  
13 of the other neurological signs, did they change in any way  
14 from the time when you first saw him at Putnam Hospital?

15 MR. WOOLSEY: Objection. Compound.

16 THE COURT: Did any of the symptoms that you had  
17 observed change in any way?

18 THE WITNESS: No, they didn't.

19 Q. Doctor, to a reasonable degree of medical certainty, do you  
20 have an opinion as to the cause of the neurological findings  
21 that you made?

22 A. I do.

23 Q. What is that opinion?

24 A. I think that he suffered a traumatic brain injury.

25 Q. As a result of what, Doctor?

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Ranade - direct

1 A. As a result of a pipe falling on his head.

2 Q. Now, Doctor, we have in evidence the subject pipe. Have  
3 you ever seen that pipe before?

4 A. No.

5 Q. May I show it to you?

6 A. Sure.

7 Q. With the Court's permission.

8 Subject to connection, Doctor, we will have testimony  
9 that the pipe fell from a doorway where it was propped in the  
10 doorjamb, maybe it fell 3, 4 feet, to strike Dan Bruno?

11 MR. WOOLSEY: Objection. Assumes facts not in  
12 evidence.

13 MR. DINHOFER: I said subject to connection.

14 THE COURT: It fell from the top of a normal doorway  
15 which was lower than the doorway here.

16 Q. Okay. Striking him in the head. The distance, maybe 2, 3,  
17 4, feet, we don't know for sure yet?

18 MR. WOOLSEY: Objection to the form.

19 Q. The force of a blow from a pipe such as this striking  
20 someone in the back of the head, is that sufficient to cause  
21 the kind of neurological findings that you made in Dan Bruno?

22 MR. WOOLSEY: Objection to the form.

23 THE WITNESS: Yes. I'm sorry.

24 THE COURT: Overruled.

25 Q. I'm sorry. What's the answer?

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Ranade - direct

1 A. Yes.

2 Q. Could you explain to us why?

3 A. Well, when I saw the pipe, I think it's a fairly heavy pipe  
4 for someone to be hit on the head with.

5 When you have this kind of impact to the head, and we  
6 often see this in conditions of traumatic brain injury, the  
7 brain gets shaken up within the skull because the brain floats  
8 in the skull, and it is very -- I think it is very likely that  
9 this would cause neurological symptoms.

10 Q. Now, Doctor, you told us earlier that you had seen Dan  
11 Bruno before the September 22, 2003 incident; is that correct?

12 A. That's correct.

13 Q. When for the first time did you see Dan Bruno?

14 A. The very first time actually was I believe 1996 when I saw  
15 him for some back pain, but that was just one visit, and then I  
16 saw him in about '99 when he had a head injury, when he was  
17 injured in a motor vehicle accident.

18 Q. Can you tell us what occurred on that occasion? Medically  
19 speaking? Neurologically speaking?

20 A. Yes. He was a seat-belted driver, and he had I guess -- I  
21 don't know if he was trying to avoid a deer or something, but  
22 he hit a guardrail, and his car flipped over several times, and  
23 he had loss of consciousness at the scene. He was taken to  
24 local emergency room. His CAT scan was normal. And he came to  
25 me with dizziness, vertigo, nausea, memory difficulty, speech